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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,368	01/17/2002	Mihaela Van Der Schaar	US 020027	3938
24737	7590	03/22/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			SHANG, ANNAN Q	
P.O. BOX 3001				
BRIARCLIFF MANOR, NY 10510			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/056,368	VAN DER SCHAAR, MIHAELA	
	<b>Examiner</b> Annan Q. Shang	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on 17 January 2002.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

- 4)  Claim(s) 1-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-21 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date

- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 and 9-20 are rejected under 35 U.S.C. 102(b) as being anticipated by **Agraharam et al (6,035,339)**.

As to claim 1, note the **Agraharam** reference figure 1, discloses a network information delivery system for delivering information based on end user terminal requirements and further disclose a method for transmitting video data, comprising the steps of:

(Controller 'C' 302 of Network Information Delivery Device 'NIDD' 110) Identifying a capability of a recipient host (End-User Terminals 'UT' 112/114) to which the data stream is to be transmitted (figs.1, 5, col.2, lines 43-51, col.3, line 31-col.4, line 13 and col.5, lines 1-26);

(C-302, col.2, lines 51-60) Selecting a corresponding one of a plurality of different data stream types (col.4, lines 30-57), so that the identified capability of the recipient host is used to process data of the selected data stream type (col.3, line 37-col.4, line 30 and lines 44-67);

(NIDD-110) Coding the data stream in a manner which takes advantage of the range of type of data stream that has been or is to be selected and transmitting the coded data stream over the link to the recipient host (figs.7A-B, col.3, line 37-col.4, line 30, lines 44-67, col.5, line 64-col.6, line 21 and line 52-col.7, line 21).

As to claim 2, Agraharam further discloses where coding the data stream in a manner which takes advantage of the type of data stream that has been or is to be selected identifies a capability of a recipient host to which the data stream is to be transmitted and includes coding a plurality of data streams, each corresponding to a respectively different one of the plurality of predetermined ranges of bandwidths (col.4, lines 24-67, col.5, lines 64-col.6, line 13 and line 52-col.7, line 21).

As to claims 3-4, Agraharam further discloses where a scalable coding technique is used and two of the plurality of data streams have common base layer and respectively different layers where a first one of the two data streams has an enhancement layer with frequency weighting, selective enhancement or any other quality improvement tool targeted towards particular bit-rate range, and a second one of the two data streams has an enhancement layer without frequency weighting (col.3, line 36-col.4, line 4, lines 30-57 and col.6, line 52-col.7, line 21).

As to claim 5, Agraharam further discloses a method where the steps are performed in real time or near real time or near time in response to a request for the video segment (col.3, line 64-col.4, line 30 and lines 44-57).

As to claim 6, Agraharam further discloses where the steps are performed in first and second iterations for the same video segment a respective recipient host capability

is identified during each of the first and second iterations, a respectively different coded data stream is provided for the same video segment during each of the first and second iterations (figs.3-4, col.3, line 64-col.4, line 30, lines 44-67 and col.52-col.7, line 21).

As to claim 7, Agraharam further discloses receiving from the recipient host an identification of the recipient host capability when the link is established (col.3, line 64-col.4, line 30).

As to claim 9, Agraharam further discloses where the steps includes determining an average available bandwidth of a link over which one of the data streams is to be transmitted includes selecting one of the plurality of ranges having a greatest data rate among all of the plurality of ranges that can be accommodated by a data rate of the link over which the video data are to be transmitted and includes coding a plurality of data streams using a fine granular scalability technique, each of the plurality of data streams corresponding to a respectively different range of data rates at which the data streams are to be transmitted (col.3, lines 17-46, col.5, line 64-col.6, line 31 and line 52-col.7, line 21).

As to claim 10, the claimed "A system for transmitting video data..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

Claim 11 is met as previously discussed with respect to claim 2.

As to claim 12, the claimed "A machine readable medium that contains computer program code..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

Claim 13 is met as previously discussed with respect to claim 2.

Claim 14 is met as previously discussed with respect to claim 9.

Claim 15 is met as previously discussed with respect to claim 5.

Claim 16 is met as previously discussed with respect to claim 6.

As to claim 17, the claimed "A signal encoded with data representing computer program code..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

Claim 18 is met as previously discussed with respect to claim 2.

Claim 19 is met as previously discussed with respect to claim 9.

Claim 20 is met as previously discussed with respect to claim 1.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Agraharam et al (6,035,339)** as applied to claim 1 above, and further in view of **Schuster et al (6,151,636)**

As to claims 8 and 21, Agraharam further discloses a method comprising switching between fine granular scalability FGS based on bandwidth (col.6, line 52-col.7, line 21), but fails to explicitly teach the ability to perform motion compensation.

However, note the **Schuster** reference figures 1 and 4, discloses data and media communication through a lossy channel using signal conversion and includes the ability to perform motion compensation (col.5, line 66-col.6, line 9, col.10, line 56-col.11, line 23 and col.12, lines 22-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Schuster into the system of Agraharam to compensate for data losses or errors, as a result of the transmitting the image, by reconstructing the transmitted image to produced the original image.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Komiya et al (6,925,121) disclose motion vector detecting method and system and devices incorporating the same.

Sahai et al (6,594,699) disclose system for capability based multimedia streaming over a network.

Mattis et al (6,289,358) disclose delivery alternate versions of objects from an object cache.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**.

A handwritten signature in black ink, appearing to read "Annan Q. Shang".

**Annan Q. Shang**